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EXPRESS MAIL LABEL NO.: EV980042854US DATE: June 13, 2007

Legal Staff International Division PATENT TEVBNP 3.3-167

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Goller et al.

Group Art Unit: Not Yet Assigned

U.S. Application o.: 10/578,233

International Application No. PCT/US2004/036477

Examiner: Not Yet Assigned

International Filing Date: November 3, 2004:

Date: June 13, 2007

For: SOFT STEROID COMPOSITIONS

FOR USE IN DRY POWDER

INHALERS

MS PCT

Commissioner for Patents Office of PCT Legal Admin. P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) AND PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

This is in response to the Notification Of Missing Requirements under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US), dated November 13, 2006. A copy of the Notification is enclosed.

The present patent application names Michael I. Goller, Qi Li, Jade Ly, Mohammed Nurul Momin, Katherine Salas, Anayo Michael Ukeje, Ramesh Yanamandra and Xian-Ming Zeng as co-inventors. Statutory Declarations under 37 C.F.R. § 1.63, executed by Michael I. Goller, Jade Ly, Mohammed Nurul Momin, and Xian-Ming Zeng, are enclosed herewith. In accordance with MPEP § 409.03(a), the Declaration contains a signature block for all eight inventors. Co-Inventors Qi Li, Katherine Salas, Anayo Michael Ukeje, and Ramesh Yanamandra have not executed the enclosed declaration. Thus, Applicants respectfully submit the following information and documentation in support of this Petition Under 37 CFR § 1.47(a).

Application No. 10/578,233

3.

Pursuant to 37 C.F.R. § 1.47(a), the last known address of the non-signing inventors is as follows:

Qi Li, 7305 SW 129TH Street, Pincrest, Florida, 33156, United States of America

Katherine Salas, 1930 Collins Avenue, Apt. 217C, Sunny Isles Beach, Florida 33160, United States of America

Anayo Michael Ukeje, 9 Nursery Close, Putney, London. SW15 6AS, United Kingdom

Ramesh Yanamandra, 34 Devon Drive, Chandlers Ford, Eastleigh, Hampshire SO53 3GN

The enclosed Exhibit A is an Affidavit of Samantha Claire Radley, Patent Administrator for Norton Healthcare Limited (the assignee of the present patent application), which states the facts relating to the diligent attempts she has made to obtain the signature of inventor Qi Li. In her Affidavit, Ms. Radley explains that on two separate occasions, she mailed to Qi Li, at his/her last known address, the application papers as filed, including the specification, drawings and claims. The Affidavit also sets forth the attempts she has made to locate Qi Li, including, remailing of the application papers, and contact with co-inventor Jade Ly. All attempts to locate and obtain the signature of Qi Li failed.

The enclosed Exhibit B is another Affidavit of Samantha Claire Radley, which states the facts relating to the diligent attempts she has made to obtain the signature of inventor Katherine Salas. In her Affidavit, Ms. Radley explains that on two separate occasions, she mailed to Ms. Salas, at her last known address, the application papers as filed, including the specification, drawings and claims. The Affidavit also sets forth the attempts made she made to locate Ms. Salas, including re-mailing of the application papers, and internet searches. All attempts to locate and obtain the signature of Ms. Salas failed.

The enclosed Exhibit C is another Affidavit of Samantha Claire Radley, which states the facts relating to the diligent attempts she has made to obtain the signature of inventor Anayo Ukeje. In her Affidavit, Ms. Radley explains that on two separate occasions, she mailed to Anayo Ukeje, at her/her last known address, the application papers as filed, including the specification, drawings and claims. The Affidavit also sets forth the attempts made she made to locate Anayo Ukeje, including re-mailing of the application papers, internet searches and contact with the

Application No. 10/578,233

Human Resources department of the assignee, Norton Healthcare Limited. All attempts to locate and obtain the signature of Anayo Ukeje failed.

The enclosed Exhibit D is another Affidavit of Samantha Claire Radley, which states the facts relating to the diligent attempts she has made to obtain the signature of inventor Ramesh Yanamandra. In her Affidavit, Ms. Radley explains that on two separate occasions, she mailed to Ramesh Yanamandra, at her/her last known address, the application papers as filed, including the specification, drawings and claims. The Affidavit also sets forth the attempts made she made to locate Ramesh Yanamandra, including re-mailing of the application papers, internet searches and contact with the Human Resources department of the assignee, Norton Healthcare Limited. All attempts to locate and obtain the signature of Ramesh Yanamandra failed.

The four Affidavits of Samantha Claire Radley are believed to establish that diligent efforts were made to contact the inventors and obtain their signatures on the Declaration.

It is respectfully submitted that the present Response and Petition, together with the documentation enclosed herewith, meet the requirements of 37 C.F.R. § 1.47(a). Acceptance of the captioned patent application under 37 C.F.R. § 1.47 is respectfully requested.

Further enclosed herewith is a Petition for extension of time to respond to the Notification Of Missing Requirements under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US).

The Commissioner is hereby authorized to charge to our Deposit Account No. 12-1095: the petition fee pursuant to Rule 1.17(h) for the present Rule 47(a) Petition (\$130.00). In the event that any other fees are due in connection with this present petition, the Commissioner is hereby authorized to charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP

SHAWN P. FOLEY

Reg. No. 33,071

600 South Avenue West Westfield, New Jersey 07090 Telephone: (908) 654-5000

Facsimile: (908) 654-7866

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United States Patent and Trademark Office

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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS PO. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

10/578,233

Michael I. Goller

TEVBNP33167

INTERNATIONAL APPLICATION NO.

PCT/US04/36477

I.A. FILING DATE

PRIORITY DATE

11/03/2004

11/03/2003

000530 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090

25° 20° 1

CONFIRMATION NO. 7537 371 FORMALITIES LETTER

OC000000021195326

Date Mailed: 11/13/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/03/2006
- Copy of the International Search Report filed on 05/03/2006
- Information Disclosure Statements filed on 05/03/2006
- U.S. Basic National Fees filed on 05/03/2006
- Priority Documents filed on 05/03/2006

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The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$450 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$580 for a Large Entity:

- \$130 Surcharge.
- Total additional claim fee(s) for this application is \$ 450
 - \$450 for 76 total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web. https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/578,233	PCT/US04/36477	TEVBNP33167

FORM PCT/DO/EO/905 (371 Formalities Notice)

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	FOR UTILITY OR	Attorney Docket Nur		NP 3.3-167		
DE	ESIGN-	First Named Invento	Michae	l I. Goller		
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Filling	(37 CFR 1.16 (e)) required)	Examiner Name	Not Yet Assi	gned		
I believe I am an original invention entitled: SOFT STEROID the specification of w is attached here OR X was filed on (M) Application No. Property state that I have amended by any amend I acknowledge the duty continuation-in-part application in-part applicati	hich etc M/DB/YYYYY 11/03/20	USE IN DRY POWDE (Title of the Invention) as United States d was amended on M/DD/YYYY) contents of the above iden ove.	Application Nut	mber or PCT int (ii on, including the c	ternational f applicable). ctaims, as	
I hereby: claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT International application having a filing date before that of the application on which priority is claimed.						
Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYY)	Priority Not Claimed	Certified Cop	y Attached? NO	
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		ty or Design Pat	ent Application
POWER OF ATTORNEY: As a named in transact all business in the	ventor, I hereby app ne Patent and Trade	point the following registered pract	itioner(s) to prosecute this application and to Customer Number 990530
	tomer Number ar Code Label	000530	OR Correspondence address below
Name			
Address			
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belief are believed to be true: and furth the like so made are punishable by fine may jeopardize the validity of the applic NAME OF SOLE OR FIRST INVENTO	or that these state or imprisonment ation or any pate	ements were made with the kn or both, under 18 U.S.C. 100 nt issued thereon.	at all statements made on information and owledge that willful false statements and 1 and that such willful false statements are statements.
Given Name (first and middle [if any])	Michael I.	Family Name or Sumame	Goller
Inventor's X M2 Golle	V		Date - 24/Ncy2007 United Kingdom
London Residence: City	State	United Kingdom Country	United Kingdom Citizenship
Mailing 84 Faringford Road Address: Stratford			
London	State	E14.4DW	United Kingdom Country
NAME OF SECOND INVENTOR:		A patition	has been filed for this unsigned inventor
Given Name (first and middle [if any])	Qi	Family Name or Surname	Li
Inventor's Signature			Date
Pincrest Residence: City	FL State	United States of America	US Citizenship
Mailing 7305 SW 129th Stre	eet		
Pincrest City	FL State	33156 ZIP	United States of America
X Additional inventors are being nam	ed on the 2	supplemental Additional invento	r(s) sheet(s) PTO/SB/02A attached hereto.

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Name of Ad	ditional Joint Invento	or, if any:			<u></u>	A	petition h	has been filed for this unsigned inventor
	Given Name (first and	middle (if any)))					Family Name or Surname
	Jade							Ly
Inventor's Signature	Jacle	Ly		1				Date \$-9-06
Co Residence: Ci	ooper C it ý	State	. '	U	nited S		of	People's Republic of China
Mailing Address:	4740 Hibbs Grov	ve Terrace						
City	poper City	FL State		Žip	333	30		United States of America Country
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Inventor's	Mohammed	1 Nurui			· .			Momin
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Inventor's	Katheri	ne						Salas
Signature								Date
Sunny Residence: C	y Isles Beach	FL State	-	U	nited S Ame		of	US Citizenship
Mailing Address:	19370 Collins Av Apt. 217C	venue						
Sunny	y Isles Beach	FL State	-	Zip	331	60		United States of America Country
Name of Ac	dditional Joint Invento					A		has been filed for this unsigned inventor
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Inventor's Signature	Anayo Mi	cnaei			<u> </u>			Ukeje Date
	London	State		U	Inited K	(ingdo	om	Nigeria Citizenship
Mailing Address:	9 Nursery Close Putney							
City	London	State		Zip	SW15	6AS	;	United Kingdom Country

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My residence, mailing ad I believe I am an original Invention entitled:	As a below named Inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am an original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS							
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I hereby state that I have re amended by any amendme	eviewed and understand the cont ant specifically referred to above.	ents of the above iden	tified speci	fication, including t	he claims, as			
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hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, niventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.								
Prior Foreign Application Number(s)	Country	Foreign Filing Date	Priority		opy Attached?			
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	DECLAR			ADDITIONAL INVE Supplemental She	NTOR(S)
Name of	Additional Joint Inve	ntor, if any:		A petiti	on has been filed for this unsigned inventor
	Given Name (first	and middle (if any))			Family Name or Surname
	Ja				Ly
Inventor's Signature					Date
Residence	Cooper City	FL State		Jnited States of America	People's Republic of China
Mailing Address:	4740 Hibbs Gi	ove Terrace			
City	Cooper City	FL State	Zip	33330	United States of America Country
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lesidence:	London City	State	Count	nited Kingdom	United Kingdom
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ame of A	Additional Joint Inven	or, if any:		A petition	n has been filed for this unsigned inventor
	Given Name (first an	d middle (if any))			Family Name or Sumame
	Kathe	rine			Salas
ventor's gnature					Date
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Sunn	y Isles Beach	FL State	Zip	33160	United States of America Country
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ling iress:	9 Nursery Close Putney		Country	<u> </u>	Citizenship
ļ	London	State	Zip	SW15 6AS	United Kingdom

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DECLARATI	ON FOR UTILITY OR	Attorney Docket Nu	mber TEVE	BNP 3.3-167		
	DESIGN	First Named Invento	or Micha	ael I. Goller		
	APPLICATION		COMPLETE IF	KNOWN		
(37	CFR 1.63)	Application Number	Not Yet As:	signed		
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Filing	(37 CFR 1.16 (e)) required)	Examiner Name	Not Yet Ass	signed	•	
As a below named Inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am an original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS (Title of the Invention) the specification of which is attached hereto OR X was filled on (MM/DD/YYYY) 11/03/2004 and was amended on (MM/DD/YYYY) hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as imended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for ontinuation-in-part applications, material information which became available between the filling date of the prior application and						
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DECLARATION ADDITIONAL INVENTOR(S) Supplemental Sheet									
Name of Ad	ditional Joint Invento	or, if any:			<u></u>		A petition I	nas been filed for this unsigned inventor	
	Given Name (first and	middle (if any	7))		_			Family Name or Sumame	
	Rames	sh						Yanamandra	
Inventor's Signature								Date	
Residence: C	London ty	State		Cour	Jnited I	King	dom	India Citizenship	
Mailing Address:	15 Barry Road Beckton								
City	London	State		Zip	E6	5TA		United Kingdom Country	
Name of Ad	ditional Joint Invento	or, if any:					A petition I	has been filed for this unsigned inventor	
	Given Name (first and		·))					Family Name or Sumame	
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Residence: Ci	Surrey by	State		Cour	Jnited I	King	dom	People's Republic of China Citizenship & RITISH	
Mailing Address:	45 Hill Road Mitcham								
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Given Name (first and middle (if any)) Family Name or Surname									
Inventor's Signature								Date	
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City		State		Zip				Country	

PTO/SB/22 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
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Under the Paperwork Reduction Act of 1995, no persons are required to r	FIVED			
PETITION FOR EXTENSION OF TIME UNDER 37 C FY 2006				
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Application Number 10/578,233		Filed	May 3, 2006	13 JUN 2007
For SOFT STEROID COMPOSITIONS FOR USE IN	DRY POWDER	INHALERS		Legal Staff International Division
Art Unit N/A		Examiner	Not Yet Assign	ed ed
This is a request under the provisions of 37 CFR 1.136(a identified application.	a) to extend the	period for filing a r	reply in the above	
The requested extension and fee are as follows (check t	ime period desi	red and enter the a	appropriate fee b	elow):
·	<u>Fee</u>	Small Entity Fe	<u>ee</u>	
One month (37 CFR 1.17(a)(1))	\$120	\$60	\$	
Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$	
Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$	
Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$	
X Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ 2,16	60.00
Applicant claims small entity status. See 37 CFR	R 1.27.			İ
A check in the amount of the fee is enclosed.				
Payment by credit card. Form PTO-2038 is attact	:hed			
X The Director has already been authorized to char		, application to a De	nosit Account	
The Director is hereby authorized to charge any f Deposit Account Number 12-1095	•	be required, or cre osed a duplicate co		
· · · · · · · · · · · · · · · · · · ·		·		
I am the applicant/inventor.				
assignee of record of the entire in	iterest See 37	CER 3.71		
Statement under 37 CFR 3.73			96).	
attorney or agent of record. Regi	stration Number	33,071	 	
attorney or agent under 37 CFR 1	1.34.			
Registration number if acting under	37 CFR 1.34			
Show P. Foly		Jur	ne 13, 2007	
Signature			Date	
Shawn P. Foley			8) 518-6346	
Typed or printed name		Telep	hone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire than one signature is required, see below.	e interest or their repre	esentative(s) are required	. Submit multiple forms	s if more
Total of 1 forms are submitte	d.			
			<u> </u>	

			
Express Mail Label No. EV980042854US	Dated: June 12, 2007		



PTO/SB/22 (04-07)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE spond to a collection of information unless if displays a valid OMB control number. Under the Paperwork Reduction Act of 1995, no persons are required to re

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (
FY 2006 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)	I IEV	BNP 3.3-167						
Application Number 10/578,233	Filed	May 3, 2006						
For SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS								
Art Unit N/A	Examiner	Not Yet Assigned						
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):								
Fee One month (37 CFR 1.17(a)(1)) \$120	Small Entity Fe \$60	<u>se</u> \$						
Two months (37 CFR 1.17(a)(2)) \$450	\$225	\$						
Three months (37 CFR 1.17(a)(3)) \$1020	\$510	\$						
Four months (37 CFR 1.17(a)(4)) \$1590	\$795	\$						
x Five months (37 CFR 1.17(a)(5)) \$2160	\$1080	\$ 2,160.00						
Applicant claims small entity status. See 37 CFR 1.27.								
A check in the amount of the fee is enclosed.		·						
Payment by credit card. Form PTO-2038 is attached.	•							
The Director has already been authorized to charge fees in this	application/to/a/De	posit rAccou nt.						
The Director is hereby authorized to charge any fees which may	be required for cre	dit'any overoavmentato						
Deposit-Account-Number	osed a duplicate co	ppyof (his sheet)						
I am the applicant/inventor.								
assignee of record of the entire interest. See 37 Statement under 37 CFR 3.73(b) is enclosed		181						
attorney or agent of record. Registration Number	-							
attorney or agent under 37 CFR 1.34.								
Registration number if acting under 37 CFR 1.34		· ·						
Thoun P. Foly	Jur	ne 13, 2007						
Signature		Date						
Shawn P. Foley Typed or printed name		8) 518-6346 hone Number						
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their repr	•							
Total of 1 forms are submitted.								

Express Mail Label No. EV980042854US Dated: June 12, 2007

PATENT TEVBNP 3 PLECEIVED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1 3 JUN 2007

In re Patent Application of

Goller et al.

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Legal Staff Group Art Unit: Not Yet Assigned Division

U.S. Application o.: 10/578,233

International Application No.

PCT/US2004/036477

Examiner: Not Yet Assigned

International Filing Date: November 3, 2004:

Date: June 13, 2007

For: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER

INHALERS

MS PCT Commissioner for Patents Office of PCT Legal Admin. P.O. Box 1450 Alexandria, VA 22313-1450

Attention:

Charitta A. Burt

COMMUNICATION

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated November 13, 2006, (a copy of which is enclosed herewith), please note that upon review of the claims with Charitta A. Burt, it was determined that that Claim 8 and Claim 10 are improper and should not have been counted as a multiple dependent claims and the additional revised claim fee of \$150.00 is enclosed.

Accordingly, it is believed that this case is in good order. A preliminary amendment correcting the numbering will be submitted by applicant's attorney. If the Examiner has any questions concerning this matter, he is requested to call applicant's attorney at (908) 654-5000. If there are any additional fees, please charge them to our Deposit Account No. 12-1095.

Date: June 13, 2007

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Respectfully submitted,

LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK LLP

SHAWN P. FOLEY Reg. No. 33,071

600 South Avenue West Westfield, New Jersey 07090-1497 (908) 654-5000

EXPRESS MAIL LABEL NO.: EL980042854US

Filed on behalf of Norton Healthcare Limited
Deponent: S. C. Radley
First Affidavit of the Deponent
Date of Swearing: 8 June 2007

ate of Swearing: 8 June 2007 Exhibits: SR1-2

IN THE MATTER of United States Patent Application Number 10/578,233

AFFIDAVIT OF SAMANTHA CL	AIRE RADLEY

- I, SAMANTHA CLAIRE RADLEY, of 79a Gellatly Road, London SE14 5TU Patent Administrator, MAKE OATH and say as follows:
- 1. I am a Patent Administrator for Norton Healthcare Limited ("Norton") and I make this affidavit in support of Norton's United States patent application number 10/578,233 entitled "Soft Steroid Compositions for Use in Dry Powder Inhalers". In so far as the content of this affidavit is within my personal knowledge it is true, and so far as it is not within my personal knowledge it is true to the best of my knowledge information and belief.
- 2. On 3 August 2006, I sent a bundle of documents consisting of a Declaration for Utility or Design Patent Application, a copy of US Patent Application No. 10/578,233 and an Assignment of Utility Application form to 7305 SW 129th Street, Pinecrest, Florida 33156, U.S.A, the address of Qi Li detailed in the PCT application, PCT/US2004/036477. The documents were never returned to me at Norton Healthcare Ltd.
- 3. On 1st March 2007, I sent the bundle of documents described in paragraph 2 above to 7305 SW 129th Street, Pinecrest, Florida 33156, U.S.A by special delivery. The package was returned to me as Qi Li was unknown at the given address. I present the envelope and contents as Exhibit "SR1".
- 4. On the 18th May 2007, I asked Colleen Maroney of the US Law Firm Lerner David Littenberg Krumholz & Menklik to search for Qi Li. Colleen Maroney responded on the 24th May 2007 and advised that the address for Qi Li was the same as that shown on the PCT application but as the package described in paragraph 3 was returned to me, Qi Li had moved without changing the details. I present the email of 24th May 2007 as Exhibit "SR2".
- 5. On 6th June 2007, I spoke to another of the named inventors, Jade Ly, who confirmed that Qi Li had moved away from the address detailed in paragraph 3 but she did not know his current address.
- 6. It is my belief that I cannot contact Qi Li to obtain his signature at this time.

Sworn at. 62-65 Changes Place
LONDON ENGLAND WCZN HUP this 8 day o
JUNE: 2007
Before me,
KIRSTEN TANET DUNLOP
SOLICITOIZ

Shepherd and Wedderburn LLP Condor House 10 St. Paul's Churchyard LONDON EC4M 8AL Seading.

Signature of Deponent making the Affidavit

Wintop

Signature of Authorised Witness

EXHIBIT SR1 TO THE

AFFIDAVIT OF SAMANTHA CLAIRE RADLEY

Secoloy.

SAMANTHA CLAIRE RADLEY

PRACTISING SOLICITOR







Subsidiary of IVAX Corporation

Albert Basin, Royal Docks London E16 2QJ Telephone 08705 02 03 04 Fax 08705 32 33 34

Qi Li 7305 SW 129th Street Pinecrest Florida 33156 U.S.A.

1st March 2007

Dear Qi,

RE: US National Phase of PCT/2004/36477 for SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS in the name of Norton Healthcare Limited

Please find enclosed a declaration for use in the prosecution of the above United States patent application by Norton Healthcare Limited.

Please can you sign and date the declaration where indicated and return it to me at the below address as quickly as possible.

Thanks for your help.

Yours sincerely

Mrs Samantha Radley

Patent Administrator

Teva Europe Patent Department

3rd Floor

Brookmount House

62-65 Chandos Place

London WC2N 4LP

Tel: 020 7540 7242

Fax: 020 7540 7029

email: samantha.radley@tevaeu.com

Please type a plus sign (•	ersons are requir	ed to re	U.S. Patent and Tr	ademark	Office: U.	rough 10/31/20 S. DEPARTME contains a valid	NT OF COM	51-0032 MERCE
DECLARATION	-		1				TEVBNP 3.3-167		
1	DESIGN		Firs	t Named Inventor	·	Michae	l I. Goller		
	APPLICAT	ION		C	OMPLE	TE IF F	KNOWN		
(37 CFR 1.63)		Арр	Application Number Not Yet Assigned						
Declaration Submitted	X Declaration		Filin	g Date	Concurrently Herewith				
with Initial O	Submitted after Initial Filing (surcharge	Gro	up Art Unit	N/A					
Filing	(37 CFR 1 required)	(37 CFR 1.16 (e))		miner Name	Not Yet Assigned				
As a below named inventor, I hereby declare that: My residence, mailing address, and citizenship are as stated below next to my name. I believe I am an original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: SOFT STEROID COMPOSITIONS FOR USE IN DRY POWDER INHALERS (Title of the Invention) the specification of which is attached hereto OR X was filed on (MM/DD/YYYY) 11/03/2004 as United States Application Number or PCT International Application No. PCT/US2004/036477 and was amended on (MM/DD/YYYY) I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as									
amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.									
I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.									
Prior Foreign Application Number(s)		Country		Foreign Filing Date (MM/DD/YYYY)		ority laimed	Certified YES	Copy Attach	
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Additional fo	reign application nu	umbers are liste	ed on a	a supplemental priori	ty data s	heet PT	O/SB/02B at	tached here	to:

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Please type a p	lus sign (+) inside this box	→ [+]			Approv	PTO/SB/01 (03-01 ved for use through 10/31/2002. OMB 0651-003/		
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DECLARATION — Utility or Design Patent Application								
POWER OF						tioner(s) to prosecute this application and to Customer Number 000530		
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belief are bel	leved to be true; and further	that these sta	tements w nt, or both,	ere m under	ade with the kno	owledge that willful false statements and and that such willful false statements		
	OLE OR FIRST INVENTOR				$\overline{}$	nas been filed for this unsigned inventor		
Given Name Michael I (first and middle [if any])		Michael I.	Family Name or Surname			Goller		
Inventor's Signature						Date		
Residence: C	London	State	United Kingdom		Kingdom	United Kingdom		
Residence. C	T	State	Countr	у		Citizensinp		
Mailing Address:	84 Faringford Road Stratford							
City	London	State	ZIP	E14	4DW	United Kingdom		
NAME OF SECOND INVENTOR:			A petition has been filed for this unsigned		has been filed for this unsigned inventor			
Given Name (first and middle [if any])			Family Name or Surname		Li			
Inventor's Signature					Date			
Residence: C				d States of US merica Citizenship				
Mailing Address:	7305 SW 129th Stre	et						
	Pincroct	Tei		33	156	United States of America		

LD-537\

Additional inventors are being named on the